

FRINGE BENEFITS STATEMENT

As the direct representative of the Awarding Body and the Labor Compliance Program for the Project, Golden State is the recipient of the Fringe Benefit Statement (Wet Signature Required). **Please submit monthly documentation that all Employer Fringe Benefit Payments are current.**

CLASSIFICATION: The Fringe Benefit Statement must include all Trades/Classifications of employees that YOUR COMPANY will dispatch to the Public Works Project, including Apprentices.

- Do not list each employee by name that you will dispatch within the Trade/Classification.

EFFECTIVE DATE: Is the date of the DIR Prevailing Wage Determination governing the duration of the Public Works Project.

SUBSISTENCE OR TRAVEL: If your company will be required to pay this fringe benefit insert the per diem amount within this section.

EMPLOYER PAID FRINGE BENEFITS: Next to each listed Fringe Benefit indicate the hourly rates for fringe benefits payments made for employees by the employer on the various classes of work. Do not include amounts that are paid directly by the employee.

PAID TO: Insert the name and address of the Plan, Fund or Program where the benefit will be sent, or if the benefit amount is to be paid directly to the Employee, indicate same by inserting "Employee".

- Do not list each employee by name.

All fringe benefits must be irrevocably paid to an authorized fund or to the employee. No unpaid amounts are allowed.

A Common Misunderstanding of the Status of "Owner-Operators" Under the State Labor Code.

There is a common misconception among many owner-operators that there is something like an "exemption" from prevailing wage requirements for owner-operators that perform work on public works projects. This is simply not the case, under the Labor Code; an owner-operator who performs work in the field is a "journeyman", regardless of his or her status as an owner. The Fringe Benefit Statement must reflect this fact. The only owners who are exempt from prevailing wage requirements are those that perform only supervisory or management functions, without working with the tools or operating equipment.

Credits, For Fringe Benefit Payments

CALIFORNIA CODE OF REGULATIONS: TITLE 8, GROUP3, ARTICLE 4, 16200(i) Credit Available for Actual Payment of Fringe Benefit Costs up to the Prevailing Amount. The contractor obligated to pay the full prevailing rate of per diem wages may take credit for amounts up to the total of all fringe benefit amounts listed as prevailing in the appropriate wage determination. This credit may be taken only as to amounts which are actual payments under Employer Payments Section 16000(1)-(3). In the event the total of Employer Payments by a contractor for the fringe benefits listed as prevailing is less than the aggregate amount set out as prevailing in the wage determination, the contractor must pay the difference directly to the employee. No amount of credit for payments over the aggregate amount of

employer payments shall be taken nor shall any credit decrease the amount of direct payment of hourly wages of those amounts found to be prevailing for straight time or overtime wages.

Memo from the Division of Industrial Relations dated 11-15-90.

THE RULE:

The contractor can pay amounts for individual benefits different than the state shows in the wage reports so long as it is not less than the total amount permitted for all benefits. Any contractor paid amount less than the total benefit requirements listed in the state wage reports must be paid to the employee.